

Government of the District of Columbia

ZONING COMMISSION



Application No. 12651, of Larry Quillian, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard (Sub-section 5303.1 and Paragraph 7107.22) and off-street parking (Sub-section 7202.1) requirements to permit an addition to a non-conforming structure to be used as a restaurant in the C-2-A District at the premises 641 Pennsylvania Avenue, S.E. (Square 874, Lot 23).

HEARING DATE: May 17, 1978

DECISION DATE: September 6, 1978

FINDINGS OF FACT:

1. The subject property is located in a C-2-A District on the south side of Pennsylvania Avenue, S.E., between 6th and 7th Streets.
2. The subject property is improved with a two story and basement structure that is presently vacant.
3. The subject site occupies 100 per cent of the lot, and does not have a rear yard.
4. There is a ten foot wide public alley to the rear of the site. The alley is accessible and is used primarily for delivery and trash pick-ups with no parking. This alley separates the C-2-A from the R-4 District.
5. Immediately adjacent to the property, located to the south of the site, are a bar and a liquor store. The entire block is devoted to commercial businesses, such as a T.V. shop, Little Tavern and a Peoples Drug Store. All of the commercial enterprises occupy 100 per cent of the lot and do not comply with the parking requirements.
6. The applicant proposes to utilize the subject site as a restaurant and construct a rear addition on the second floor to allow for a seating capacity of 130 persons, instead of 100 persons which could be accommodated without the addition.

7. The rear addition will not extend beyond the present first floor level, but will extend to the rear lot line into the area which would normally be required for a rear yard. A variance of fifteen feet or 100 per cent for the second floor is thus required.

8. The restaurant will employ approximately fifty persons. The employees will either live within walking distance of the neighborhood or use some means of public transportation to get to the site.

9. The Capitol Hill Restoration Society voted to oppose the application. The Society is of the opinion that the building can be used as is for a restaurant or any of the other uses permitted under C-2-A zoning. The applicant seeks to enlarge a non-conforming structure and make it even more non-conforming. Finally, the applicant has not presented a case for practical difficulty, and the planned rear second story addition will be detrimental to the public and impair the intent, purpose and integrity of the zoning plan.

10. A property owner within 200 feet was opposed to the application and submitted a letter to the record stating her opposition on the grounds that the addition to the present structure would only further contribute to the parking problem in the area, would reduce light and ventilation to her property and to the five adjoining structures, noise and trash would be increased in the alley and the proposed application would be detrimental to the public and the residents of the area.

11. A petition was submitted to the record from property owners within the 600 block of Pennsylvania Avenue in support of the application. The petitioners were of the opinion that the application if granted will further improve the neighborhood and the quality of life in the Capitol Hill community.

12. Advisory Neighborhood Commission 6B took no position on the application.

13. At the Board's public meeting on May 31, 1978, the Board of Zoning Adjustment deferred a decision on the case and requested the applicant to submit evidence on the justification of the need for a seating capacity of 130, instead of 100, in order for the restaurant to be viable.

14. The applicant submitted the additional evidence requested by the Board. That evidence was served on the other parties to the case, who did not submit any comments or rebuttal to the Board. The Board finds that the evidence submitted, which is thus uncontroverted, indicates that the viability of the restaurant as proposed by the applicant is questionable if kept at a maximum capacity of 100 seats, and that this situation does create a practical difficulty for the applicant.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The applicant has submitted uncontroverted evidence as to the practical difficulty of operating a restaurant on this site if limited to the use of the first floor only as a restaurant. In addition, since the building occupies 100 per cent of the lot, there is no location on the site to provide parking. There is also no increase in lot occupancy because the addition is being constructed over the existing building. The Board concludes that all these circumstances combine to create a practical difficulty for the applicant within the meaning of the Zoning Regulations.

The Board concludes that the use of the restaurant is permitted as a matter-of-right in a C-2-A District, and that the use is compatible with other uses on both sides in the block. The Board concludes that the granting of the application would not adversely effect surrounding properties, because the addition would extend no further back than the present structure, and would be even with the adjoining building.

The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore Ordered that the application be GRANTED.

VOTE: 3-1 (Charles R. Norris, William F. McIntosh and Leonard L. McCants to GRANT, Chloethiel Woodard Smith to DENY).

ATTESTED BY: _____

Steven E. Sher
STEVEN E. SHER
Executive Director

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF ORDER: _____

24 OCT 1978